

**Seeking new ways to deliver justice:
Top B.C. judge advocates new community court as answer for chronic auto thieves, writes
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Provincial court Chief Judge Hugh Stansfield sighs when he hears complaints about "slap on the wrist" sentences given to repeat auto thieves.

"I've heard the arguments many times before," says B.C.'s newly appointed top judge.

Stansfield believes those complaining -- including academics, the B.C. Federation of Police Officers, the Vancouver Board of Trade and Abbotsford's Conservative MP Randy White -- should criticize Parliament, which in 1996 created the conditional sentence option, not the judiciary.

"Parliament has sent a very clear message to judges, saying you are to incarcerate behind bars less frequently," says Stansfield, 52.

Judges are also bound to consider a non-custodial sentence for anyone who might otherwise receive up to two years in jail.

"It's no surprise that in any given case the law enforcement view is for a more substantial penalty and the defendant wants less. The judge has to weigh that and sentences don't always mesh with the expectations of law enforcement people," Stansfield says. "Do we aspire to be a society in which law enforcement people tell us what penalties should be?"

Instead of stiffer sentences, Stansfield backs an alternate court system, called a community court, to deal with chronic property crime offenders.

The community court is one of several recommendations that will come out of B.C. Attorney General Wally Oppal's Street Crime Working Group later this month.

Under the proposal, a property crime offender can choose whether to be dealt with in the community court -- which would require community service and a commitment to a drug or mental health treatment program -- or receive a traditional sentence through a provincial court.

The proposal is modeled on the Midtown Community Court in New York, established in 1999 and the first of its kind.

In New York, the offenders must wear an identifying jacket when they do their community service.

If the offender doesn't stick to his promise to receive treatment he is referred back to the traditional court.

Stansfield says the Street Crime Working Group will also advocate a tighter relationship between health authorities and the justice system, recognizing most chronic repeat property criminals are drug addicted and/or mentally ill.

Oppal is also a fan of the community court proposal and hopes it will help restore faith in how the justice system deals with auto and other property crime.

Oppal, a former Supreme Court of B.C. and B.C. Court of Appeal judge, believes the public perception that judges are light on property criminals is also hurting the reputations of B.C.'s 150 provincial court judges.

"There's no doubt we have to deal with some chronic and repeat offenders more stringently, that's clear," he says.

Abbotsford MP White dismisses Stansfield's argument that judges are doing what Parliament has told them to do.

"It's well and good for judges to fault the police and laws, but they are not legally obliged to give conditional sentences and they know that," says White, who campaigns on a get-tough-on-crime platform. "People are leaving prison ill-prepared because they aren't in long enough to get prepared."

White advocates statutory minimum sentences for certain property crimes like auto theft and for the election of judges.

Stansfield hits back, saying critics need to realize justice is only a component of the broader issues underlying chronic offenders.

"We are looking at the breakdown of society on many different levels," he says. "There's a collection of social phenomena that gives rise to criminality, and to say, 'Stansfield, when you are in a courtroom I want you to fix it,' just isn't realistic."

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